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BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Order Instituting Rulemaking To
Continue Implementation and
Administration, and Consider Further
Development, of California
Renewables Portfolio Standard
Program.

Rulemaking 18-07-003

**ADMINISTRATIVE LAW JUDGE'S RULING
DIRECTING ENERCAL USA, LLC TO FILE
A MOTION SEEKING EXEMPTION**

This ruling directs EnerCal USA, LLC (DBA Yep Energy) (EnerCal) to file a motion seeking exemption from filing its final 2019 Renewables Portfolio Standard (RPS) Procurement Plan and RPS Procurement Plans for future years until EnerCal begins serving load.

1. Background

The Commission has set forth the process for filing and evaluation of the RPS Procurement Plans of electric corporations and other retail sellers. The statutory definition of "retail seller" includes small and large electrical corporations, Community Choice Aggregators and Electric Service Providers (ESPs).¹ Each year, retail sellers file their RPS Procurement Plans for

¹ Public Utilities (Pub. Util.) Code Sections 399.12(j) and 218. All subsequent code section references are to the Public Utilities Code unless otherwise indicated.

Commission review and approval in accordance with Pub. Util. Code Section 399.13(a)(1).²

On April 19, 2019, the assigned Commissioner and assigned Administrative Law Judge issued a ruling (with dates modified by a May 7, 2019 ruling) setting the filing requirements and schedule for the 2019 RPS Procurement Plan process. Retail sellers filed their proposed annual RPS Procurement Plans on or before June 21, 2019. In Decision (D.) 19-12-042, the Commission acted on the draft 2019 RPS Procurement Plans of the retail sellers, including EnerCal's. Decision 19-12-042 finds that EnerCal's Draft 2019 RPS Procurement Plan is deficient because it does not include sufficient information about EnerCal's RPS procurement costs, least-cost best-fit methodology, and minimum margin of over-procurement, among others.³

On January 7, 2020, EnerCal filed a petition to modify D.19-12-042 and requested that the Commission modify D.19-12-042 to provide that EnerCal is not required to update its Draft 2019 RPS Procurement Plan; and to add EnerCal to the list of ESPs in Ordering Paragraph 34 that are exempt from the requirement to file RPS Procurement Plans for future years. In its Petition, EnerCal explains that EnerCal has not signed up any retail customers since its ESP registration became effective in October 2010 and it has never served any retail load in California. EnerCal adds that because EnerCal does not have any RPS procurement requirement, it does not have any RPS procurement cost

² Pub. Util. Code Section 399.13(a)(1) requires the Commission to "direct each electric corporation to annually prepare a renewable energy procurement plan... to satisfy its obligations under the renewables portfolio standard," as well as "require other retail sellers to prepare and submit renewable energy procurement plans...."

³ D.19-12-042 at 56.

information to provide to the Commission. EnerCal notes that this information was provided in EnerCal's Draft 2019 RPS Procurement Plan.

2. Discussion

Pursuant to D.13-11-024, it is reasonable not to require an ESP to file a procurement plan if they do not serve any retail load.⁴ The exemption is granted in response to motions seeking exemptions and will expire if and when a non-load serving ESP begins or resumes serving load in California and thereby incurs RPS procurement obligations. EnerCal has neither filed a motion seeking such an exemption nor filed comments on the proposed decision prior to adoption of D.19-12-042 to request an exemption from filing the final 2019 RPS Procurement Plan.

Therefore, this ruling directs EnerCal to file a motion seeking exemption from filing the final 2019 RPS Procurement Plan and RPS Procurement Plans for future years. EnerCal may withdraw its petition to modify D.19-12-042 subsequent to resolution of its motion.

IT IS RULED that within 30 days of the issuance of this ruling, EnerCal USA, LLC must file a motion seeking exemption from filing its 2019 final Renewables Portfolio Standard Procurement Plan and RPS Procurement Plans for future years until EnerCal USA, LLC begins serving load.

Dated March 5, 2020, at San Francisco, California.

/s/ NILGUN ATAMTURK

Nilgun Atamturk
Administrative Law Judge

⁴ D.13-11-04 Conclusion of Law 28.